

Remarks/Arguments

Applicant respectfully requests again that the Attorney Docket Number be changed to "REED1005." The Attorney Docket Number currently on record belonged to Applicant's prior attorney and is not searchable within the database of Applicant's current attorney. A formal request for such a change was submitted on October 5, 2004. A photocopy of the return postcard receipt was enclosed with Applicant's Response to Office Action of January 10, 2005 along with Applicant's second request for such docket number change. This is a third request.

Applicant appreciates the Examiner and the Primary Examiner taking the time to interview Applicant's attorney over the telephone on October 19, 2005. Per the instructions of the Examiner and the Primary Examiner, Applicant respectfully submits herewith the claim amendment presented at the interview along with further supporting details.

Reconsideration of the rejections set forth in the Final Office Action dated July 1, 2005 is respectfully requested. In response to the Final Office Action, claims 1, 12, 18, and 20 have been amended without acquiescence in the Examiner's reasons for rejections and without prejudice to pursue in this or another application. Applicant respectfully submits that the amendment places the application in condition for allowance or in better form for appeal. At a minimum, the claim amendment that corrects Examiner's objection to claim 20 should be entered to isolate for appeal the issue of the legal grounds for the § 103(a) rejection.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-8, 11-13, and 17-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,557,007 (hereinafter "Pekowski"), and further in view of U.S. Patent No. 6,135,776 (hereinafter "Erturk"). In addition,

claims 9-10, 16, 20-22 were rejected under § 103(a) as allegedly being unpatentable over Pekowski, Erturk, and further in view of U.S. Patent No. 6,606,744 (hereinafter "Mikurak").

Applicant respectfully disagrees. It has long been established that in a crowded art, seemingly minor innovations can be significant and nonobvious over prior art. Indeed, without such "minor" innovations, a crowded art would never advance.

The application of a database is such a crowded art. Databases have existed long before the advances of computers and the Internet. Even in their present electronic forms, databases continue to be used in new and patentable ways to allow traditional businesses to be run more efficiently. Prior art references Pekowski and Thenery are excellent examples of such new and patentable uses.

Both Pekowski and Thenery teach the application of a database in tradeshow (which further evidence the crowdedness of the art field). Specifically, Pekowski teaches using a database to manage vendor information to serve the tradeshow exhibitors, and Thenery teaches managing visitor information to serve the exhibitors. As such, the two references teach away from each other and therefore are patentably different.

On the other hand, the instant invention teaches a method for managing exhibitor information for the benefit of the visitors. Not only is the instant invention patentably different from Pekowski and Thenery in the same way the two references patentably differ from each other, but there exist a more fundamental difference between the subject invention and the references. The present invention teaches disclosing the collected information to the public or the attendees/visitors of a tradeshow, whereas the references teach collecting information for the private use of a pre-defined, pre-selected group, namely the tradeshow exhibitors.

The Examiner reasoned in the Office Action that since the database system disclosed in Pekowski may be provided at the tradeshow, such systems may allow tradeshow attendees to view the information on the database. Applicant respectfully

submits that such a conclusion is inconsistent with the teachings of Pekowski. As stated above, Pekowski teaches the use of a database to enable tradeshow exhibitors to order necessary supplies (i.e., telephone lines, electric equipment, etc.) from a vendor so that the exhibitors can operate effectively at a tradeshow. If tradeshow visitors were allowed to access the database, the (unintentional) orders placed would have to be charged and delivered to one or more exhibitors and would greatly disrupt the tradeshow. As such, Pekowski (and similarly, Thenery) teaches away from the present invention.

Furthermore, although it may be true that the database disclosed in Pekowski “may” be adopted and modified to be used in accordance with the instant invention, such a modification is not obvious in view of Pekowski as Pekowski teaches away from allowing the public to use its database.

As the Court of Appeals for the Federal Circuit has stated, an Examiner is not permitted to engage in “hindsight reconstruction” of the claimed invention using the applicant’s invention as a template. *In re Gorman*, 933 F.2d 982, 986 (Fed. Cir. 1991) (citing *Interconnect Planning Corp. v Feil*, 774 F.2d 1132, 1143 (Fed. Cir. 1985)). The Federal Circuit has repeatedly held that, “[t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.” *In re Mills*, 916 F.2d 680 (Fed Cir. 1990) (emphasis added). As Pekowski is directed toward using a database with “private accounts” (claim 37, col. 38, line 49 and claim 55, col. 41, line 8), such a use with security measures cannot suggest the method taught in the present application, either alone or in combination with any other reference or references. As Pekowski teaches away from allowing the public to access and use the database information, the “desirability” of the modification is negated.

As recited in independent claims 1, 12 and 18, the subject invention teaches collecting and managing information regarding an exhibitor’s products and/or services to be distributed to and viewed by a tradeshow attendee, which is in direct conflict with the teachings of Pekowski and other cited references. As such, it is respectfully submitted

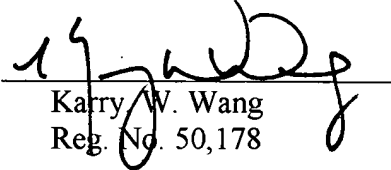
that those references do not render obvious the subject matter defined by claims 1-22. Thus, Applicant respectfully submits that the pending claims 1-22 are in condition for allowance. A notice to that effect is earnestly solicited.

If the Examiner has any questions regarding the foregoing, or if the Examiner believes that an interview would facilitate the examination of this application, or if any additional information is required, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

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